

**REMARKS**

Claims 1, 3-5, 7, 9-10, 12, 14-19 and 50-53 are pending in the present application. Claims 2, 6, 8, 11, 13 and 20-49 were previously cancelled. Claims 1, 7, 12, 14, 16-17, 19, and 50 have been amended. Claim 54 is newly added. Claims 1, 7, 12 and 50 are independent claims.

**Request for Personal Interview**

Unless the present response places this application in condition for allowance, Applicant's request a personal interview with the Examiner to discuss any remaining issues prior issuance of a next official action.

**Claim Rejections - 35 U.S.C. §103**

Claims 1, 3-5, 7, 9-10, 12, 14-19, and 50-53 stand rejected under 35 U.S.C. §103(a) as being obvious in view of US 6,289,102 (Ueda) in view of US 2002/0080960 (Kanayama). Reconsideration of these rejections is respectfully requested for at least the following reasons.

Each of the independent claims has been amended to clarify that the original copy protection and the duplicated copy protection information are recorded in separate areas. For example, claim 1 has been amended to recite that the method of recording copy protection information on a recording medium includes, *inter alia*, (1) recording copy protection information additionally in a second area other than a first area including original copy protection, wherein the copy protection information is required for decrypting the encrypted data and the second area is separated from the main data area; and (2) recording position information for indicating where the copy

protection information is recorded. Similar amendments have also been made to independent claims 7, 12, and 50.

The Examiner primarily relies on U.S. Patent No. 6,289,102 to Ueda et al. to support the current rejections under Section 103(a). However, careful reading of the reference shows that the Examiner's interpretation of the reference fails to support the current rejections.

The Examiner relies on Column 14, lines 19-25, Column 15, lines 31-45 and Column 16, lines 23-35 of the reference to teach the recording of encrypted data in a first area and additionally in another area. The Examiner further contends that these same sections teach that the second area is separated from the main data area.

As illustrated in Figures 11 and 12 of Ueda, and as discussed specifically at Column 16, lines 23-35, four pairs of the seed key and preset data are recorded in the scramble information sector of the lead-in area. These seed keys serve as an index to indicate corresponding preset data. Additionally, preset data used for scrambling/descrambling processes are recorded in the main data field as shown in Figure 11(d). In the seed key field of the scramble sector included in the data recording area, and illustrated in Figure 11(e), a seed key (not a real key value, but a simple index to indicate the preset data used to scramble the data) is recorded. Thus, the preset data used for the scrambling process is not recorded in the data recording area, but the lead-in area.

In the primary reference, the copy protection information duplicated from the original copy protection information is additionally recorded in another area for ensuring reliable read-out of the copy protection information. However, there is no disclosure in Ueda that teaches recording the pairs of the seed key and the preset data in areas **other** than the scramble information sector. Thus, Applicant's submit that

the Examiner's interpretation of Ueda does not support the current rejections under Section 103.

Additionally, the Examiner relies on Column 15, lines 8-20 to conclude that the reference also teaches recording position information for indicating a position of at least the copy protection information in the second area. Again, Applicant's submit that a careful reading of the reference does not support this conclusion.

This portion of the reference states that "[t]he sector header field of the scramble information sector includes an address field where an identifier for the information recording device to identify this sector as recorded, a scramble system field where information for specifying the scramble system performed to the information recording area (as described above, the scramble system of this example is set as 1) is recorded, and a mutual authentication key field where a mutual authentication key for use in authentication processing for determining whether or not the information reproducing device should supply data subjected to copyright protection to an apparatus requiring transfer of reproduction data (hereinafter, referred to as a mutual authentication processing)." Simply stated, the portion of the reference relied on by the Examiner states that the sector header field does not contain the positions of the pairs of seed key and preset data. Thus, the Examiner's conclusions in this regard are not supported.

The Examiner's interpretation of Ueda also appears to be based on the assumption that the seed key is the same for every file based on Column 15, lines 58-59. However, this portion of the reference does not support such an assumption. The sentence "The seed key is the same for every file" may be interpreted as having different values for the seed key with the preset data being recorded in respective entries as shown in Figures 12(b) or (c). A careful review of these figures shows that

only one entry (the seed key plus the preset data) among the four entries is applied to every file in the data recording area for encryption. Thus, there is no description in Ueda that the values of every entry are the same. As such, Ueda fails to disclose or suggest the feature of “recording copy protection information additionally in a second area other than a first area including original copy protection information.”

The Examiner concedes that Ueda does not disclose that the keys are recorded in a second area different than the first. To cure this deficiency in the primary reference, the Examiner relies on U.S. Patent Publication no. 2002/0080960 to Kanayama et al. to teach a system made to separately record encrypted data and encryption key information in two recording areas different in recording form or recording layer from each other, for example, to record that the encryption key information by a means of groove wobble, magneto-optical or phase change, or to record it in another recording layer. To support this conclusion, the Examiner relies on Paragraph [0046] of the reference. Based on this interpretation, the Examiner concludes that it would have been obvious to do so in order to record key information in another recording area separate from the data relying on Paragraph [0048] of Kanayama.

To the extent that Kanayama discloses in Paragraphs [0046] and [0048] that encrypted data and encryption key information are recorded in two recording areas different in recording form or recording layer from each other, however these paragraphs do not teach the feature of having “copy protection information additionally recorded in a second area different from a first area and including original copy protection information,” as recited in the independent claims. Accordingly, Applicant’s submit that Kanayama is incapable of curing the deficiencies in the primary reference to support the current rejection of the claims under Section 103.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 3-5, 7, 9-10, 12, 14-19 and 50-53 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant's hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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